

REGISTER

South Dakota Legislative Research Council



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Monday, 8:00 a.m., December 10, 2001

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Commerce and Regulation:

Division of Insurance: (December 5, 2001) is proposing rules to allow lesser commissions on guaranteed issue policies and to alter the formula for achieving an exemption from the issuance of guaranteed issue plans. The general authority for these rules, as cited by the division, is SDCL 58-17-85 and 58-17-87.

A public hearing will be held in the First Floor Conference Room, Commerce and Regulation Building, 118 West Capitol Avenue, Pierre, South Dakota, on Thursday, December 27, 2001, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Division of Insurance, 118 West Capitol Avenue, Pierre, South Dakota 57501-2000. Written comments must be received by December 26, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3563 before the hearing.

Department of Social Services: (December 6, 2001) intends to adopt rules relating to Child Support Enforcement, Child Protection Services, and Administrative Hearings. The rules establish an administrative review process for an individual who wishes to contest the amount of a lottery setoff used to satisfy a support debt owed or collected by the department and allow an individual to request a fair hearing if the review is adverse to the individual; allow the department to restrict the

issuance or renewal of an individual's sporting or recreational license, registration, certification, or permit due to child support arrearages; allow an individual to request an administrative review and a fair hearing to contest the accuracy of the amount of child support arrearages that has lead to the restriction of the issuance or renewal of the individual's sporting or recreational license, registration, certification, or permit; when distributing child support collections to a family, limit distribution to certain individuals; assess interest on unpaid support obligations; and establish a methodology for determining a fee for services provided on behalf of a child placed into alternative care. The general authority for these rules, as cited by the department, is SDCL 25-7A-3.2, 25-7-7.2, 25-7A-56, 28-1-24.1, 28-7A-3, 32-12-116, and 42-7A-52.

A public hearing will be held in Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Wednesday, January 2, 2002, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by January 14, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3305 at least forty-eight hours before the hearing.

Department of Social Services: (December 6, 2001) intends to adopt rules relating to the Child Care Services Program to update and clarify existing rules; amend eligibility criteria;

increase the maximum rates payable for child care services provided on behalf of an eligible child; establish hearing procedures to be used if the department finds that an overissuance has occurred; allow a parent or provider to receive continued assistance under certain circumstances; specify that a child care service payment made as a result of an error by the parent, department, or provider is considered an overpayment and subject to recovery; specify that a grant application will not be considered and may be rejected if submitted by a provider who either failed to fulfill the requirements of a previous grant or was disqualified due to an intentional program violation; and establish a system for the investigation and recovery of payments made as a result of an intentional program violation. The general authority for these rules, as cited by the department, is SDCL 28-1-60 and 28-1-61.

A public hearing will be held in Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Wednesday, January 2, 2002, at 2:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by January 14, 2002, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3305 at least forty-eight hours before the hearing.

NOTICE: The **South Dakota Lottery** is ending instant ticket game number 142-Coyote Cash. The last day that prizes will be paid for the game is May 26, 2002.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

SOUTH DAKOTA INVESTMENT COUNCIL: 6:01:02:01 to 6:01:02:03, inclusive; 6:01:03:01; 6:01:03:03; and 6:01:07:01 to 6:01:07:03, inclusive.

History-Notice: 28 SDR 53, October 9, 2001
Hearing: November 2, 2001
Filed: November 26, 2001
Effective: December 16, 2001

DEPARTMENT OF COMMERCE AND REGULATION: BOARD OF CHIROPRACTIC EXAMINERS:

20:41:01:01, 20:41:01:02; 20:41:02:01, 20:41:02:02, 20:41:02:03; 20:41:04:03; 20:41:05:04, 20:41:05:05, 20:41:05:06, 20:41:05:08, 20:41:05:09, 20:41:05:10; 20:41:08:01; 20:41:09:01, 20:41:09:04, 20:41:09:06, 20:41:09:07.01, 20:41:09:10, 20:41:09:12 to 20:41:09:16, inclusive; 20:41:10:01, 20:41:10:05.01 to 20:41:10:05.05, inclusive; 20:41:10:06.02, 20:41:10:06.03, 20:41:10:07, 20:41:10:08, 20:41:10:10 to 20:41:10:12, inclusive; 20:41:13:09, 20:41:13:12; 20:41:14:07, and 20:41:14:08.

History-Notice: 28 SDR 27, August 20, 2001
Hearing: September 21, 2001
Filed: December 3, 2001
Effective: December 23, 2001

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

12-21-2001	Labor: Division of Labor and Management	Reimbursement for workers' compensation in-patient and out-patient charges at percentage of Medicare; reimbursement for dental procedures; payors provide explanation of fee schedule reductions; redefine physical medicine; eliminate in-patient treatment guidelines; 28 SDR 79.
12-27-2001	Commerce and Regulation: Division of Insurance	Allow lesser commissions on guaranteed issue policies, alter formula for exemption from issuance of guaranteed issue plans; 28 SDR 87.
12-28-2001	Commerce and Regulation: Appraiser Certification Program	Appraisers scope of practice, appraisers bound by competency rule, supervisors of state-registered appraisers must be licensed by department; update references, correct typos; 28 SDR 83.
1-2-2002	Social Services	Administrative review – lottery setoff, notice to absent parent before restricting issuance of license, registration, certification, or permit, certain distributions limited to parent, legal guardian, or caretaker relative, and interest on unpaid support obligation or arrearage; 28 SDR 87.
1-2-2002	Social Services	Child Care Services Program – overpayments, hearings, payments made pending hearing, recoveries; 28 SDR 87.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Monday, January 7, 2002, at 1:30 p.m. in Room 413 of the State Capitol.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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